IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6478 OF 2005

1. Narayan Bhauraya Kolule,
2. Tatya Bhaurary Kolule,
3. Shrimant Ranaba Lade,
4. Shiv Shrimant Lade,
5. Balu Pandurang Lade,
6. Prabhakar Balu Lade,
7. Shankar Genappa Lade,
8. Mhalappa Kashiram Lade,
9. Vithal Genappa Lade,
10. Mahadeo Genappa Lade ...Applicants

Vs.

The State of Maharashtra ...Respondent

Shri V.V. Purwant for the Applicants.
Ms Rajeshree Gadhvi, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 14, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicants and the learned A.P.P. for the State. Advocate appearing for the Applicants relied upon the order of this Court passed in Criminal Application No.4929 of 2005 dated 17th August, 2005 by which a co-accused was enlarged on bail. The Advocate appearing for the Applicants claims parity on the basis of the said order. The learned A.P.P. opposed the Application by producing a chart showing individual role played by the Applicants. The learned A.P.P. has pointed out that the Sessions Court has rightly rejected the Application for bail made by the Applicants by observing that the Applicants are not

entitled to claim parity. The learned A.P.P. submitted that some of the Applicants have been convicted for other offence by a Court of Magistrate by order passed on 20th April, 2005.

2. I have considered the submissions. From order dated 17th August, 2005 it is apparent that the co-accused Gajanan was enlarged on bail. This Court observed that only a general allegation is made against the said accused that he alongwith other co-accused assaulted the deceased and the injured persons. According to the chart prepared by the learned A.P.P. which is placed for my perusal on record, the allegation against the Applicant No.1 appears to be that he assaulted the deceased by a stick. The allegation against the other accused persons is that they assaulted the deceased by using hands and legs. There are specific allegations against one or two co-accused who are not Applicants in this Application that they were having stones in their hand and they assaulted the deceased by stones. After perusing the chart and other investigation papers, I find that there is no material difference between the case of co-accused Gajanan and the present Applicants. The conviction of some of the Applicants appears to be for offence punishable under sections

504, 323 and 506 of the Indian Penal Code.

3. The Applicants are entitled to be enlarged on bail on the basis of parity. At this stage, learned A.P.P. submitted that considering the conviction of the some of the Applicants in the other case, further condition is required to be imposed that the Applicants will not enter the village Nimbargi, Taluka Solapur till the conclusion of trial. The conviction is against the Applicant Nos.3,4,9 and 10. Therefore, in so far as the said Applicants are concerned, the condition as suggested by the learned A.P.P. will have to be incorporated.

4. Hence, I pass the following order:

: O R D E R :

i) The Applicants shall be enlarged on bail in connection with **C.R.No.24 of 2005 registered with Mandrup Police Station, Solapur,** subject to furnishing a personal bond of **Rs.10,000/- each** with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the **Applicant Nos.3, 4, 9 and 10 will not enter the**

limits of village Nimbargi, District Solapur till the conclusion of the trial. The order granting bail to the Applicant Nos.3, 4, 9 and 10 will be given effect only after they furnish to the Investigating Officer the detailed address of place of residence where they propose to stay after they are enlarged on bail.

iii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

iv) The Applicants shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicants to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy

of this order.

JUDGE